

REMARKS/ARGUMENTS

Applicants have received the Office Action dated July 20, 2007, in which the Examiner: 1) again rejected claims 1-10 and 12-16 under 35 U.S.C. § 102(e) as allegedly anticipated by Murakami et al. (U.S. Pat. No. 6,973,015, hereinafter "Murakami"); and 2) again rejected claim 11 under 35 U.S.C. § 103(a) as allegedly obvious over Murakami in view of Suh et al. (U.S. Pub. No. 2004/0168074, hereinafter "Suh"). Applicants have amended claims 1-5 and 9-16. Based upon the amendments and arguments contained herein, Applicants believe this case is in condition for allowance.

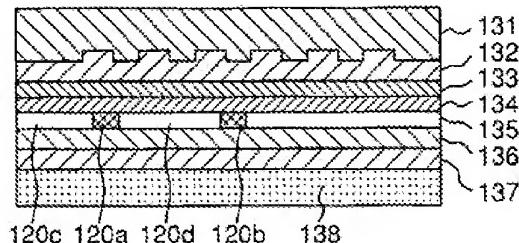
I. REJECTIONS UNDER 35 U.S.C. § 102(e) OVER MURAKAMI

In responding to Applicants prior arguments regarding the rejections of claims 1-10 and 12-16 as allegedly anticipated by Murakami, the Examiner stated that "Murakami teaches a recording medium with various surfaces which are illustrated in Figure 3A," and further stated that it is "possible to optically read information in the layers of the magneto-optical disk of Murakami." While Applicants acknowledge that the reproduction magnetic layer (reproduction magnetic film layer 133 of Figure 3A of Murakami) is optically readable, Applicants respectfully traverse the Examiner's characterization of the cited art, noting that the remaining layers of Figure 3A are not layers that can be optically read, but are instead part of a structure that supports the functionality of the one, single, optically readable layer taught by Murakami.

Specifically, Murakami teaches reading data from a magneto-optical disk by focusing light from a laser on a three-layered structure of the optical disk. This three-layered structure includes a

reproduction magnetic film layer *Fig. 3A*

133 that is separated from a recording magnetic film layer 135 by an insulating film layer 134. Murakami, Figure 3A and col. 7, lines 16-21 (reproduced herein).



When heated by the laser light, the magnetic polarization of the illuminated area of reproduction magnetic film layer 133 shifts to align itself with the magnetic polarization of the area of the recording magnetic film layer 135 just beneath the illuminated area of reproduction magnetic film layer 133. Murakami, col. 8, lines 8-54. The shift in the magnetic polarization of the illuminated area of reproduction magnetic film layer 133 causes a corresponding shift in the intensity of the reflected laser light, due to the Kerr and/or Faraday magneto-optical effects that result from heating up the illuminated area of reproduction magnetic film layer 133. The direction of the shift in the intensity of the reflected laser light (increasing or decreasing) determines the value of the bit of information stored in the area of recording magnetic film layer 135 just below the illuminated area of reproduction magnetic film layer 133. Murakami, col. 6, lines 63-67 through col. 7, lines 1-15. Murakami therefore teaches optically reading data from a single reproduction layer 133 of the magneto-optical disk shown in Figure 3A, not optically reading data from multiple layers. The remaining layers 134 and 135 are not optically readable data layers.

Further, although Murakami teaches multiple “areas,” such as main information recording area 110 and additional information area 103 (Murakami, Figure 1A), these data storage areas are concentric, circular or annular areas within a single layer. Specifically, Murakami teaches that “[i]n one aspect of the invention, an optical disk according to the invention has a recording layer for recording information, and the recording layer disk comprises a first recording area for recording contents data and data for recording and reproducing the contents data, and a second recording area for recording secondary data on the contents recorded in the first recording area, the secondary data being recorded as stripe marks longer in the radial direction.” Murakami, col. 2, lines 16-23 (emphasis added). Although Murakami does describe double-sided optical disks, throughout the entire disclosure Murakami consistently refers only to either “a recording layer” or “the recording layer,” and does not teach or even suggest any structure other

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than the single recording layer cited above on a given single side of an optical disk.

Applicants further respectfully note that although the cited text above refers to “an optical disk,” the term is used throughout Murakami to refer to both magneto-optical disks and pure optical disks. See, for example, Murakami, col. 6, lines 53-55 (“For an optical disk having the recording layer as a perpendicular magnetization layer having magneto-optical effect,...”) (emphasis added), and Murakami, col. 9, lines 59-60 (“For an optical disk such as DVD-ROM, DVD-RAM or DVD-R,...”) (emphasis added). Thus, the optical disk taught by Murakami includes the magneto-optical disk shown in Figure 3A, and this magneto-optical disk has a single recording layer (or a single layer per side) that includes both the first and second recording areas.

Based on the above discussion, Applicants respectfully submit that Murakami does not teach or even suggest “refusing, by a drive, to optically read information encoded on a first optically readable surface of an optical medium when required auxiliary information cannot be optically read from a second optically readable surface, one of the first and second optically readable surfaces being underneath and optically read through the other of the first and second optically readable surfaces,” as required by amended independent claim 1 (emphasis added). Murakami instead teaches one, optically readable recording layer (or one per side). Murakami does not teach or even suggest one layer or surface that is optically read through another layer or surface, wherein the two layers or surfaces are situated one on top of the other, and wherein each layer or surface is capable of being optically read.

For at least the reasons presented above, Applicants respectfully submit that Murakami does not teach or even suggest all of the limitations of amended independent claim 1, as amended. Further, none of the other cited art overcomes the deficiencies of Murakami. Applicants thus respectfully submit that amended independent claim 1, as well as those claims that depend upon it, are not

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anticipated by Murakami under 35 U.S.C. § 102(e), and respectfully request withdrawal of the rejections of these claims.

With regard to amended independent claims 5, 15 and 16, Applicants respectfully note that these claims include limitations similar to those of amended independent claim 1. For at least the same reasons as those presented with regard to amended independent claim 1, Applicants respectfully submit that independent claims 5, 15 and 16, as amended, as well as those claims that depend upon them, are not anticipated by Murakami under 35 U.S.C. § 102(e), and thus respectfully request withdrawal of the rejections of these claims.

**II. REJECTIONS UNDER 35 U.S.C. § 103(a)
OVER MURAKAMI IN VIEW OF SUH**

Regarding the Examiner's rejection of amended dependent claim 11¹ as allegedly obvious over Murakami in view of Suh, Applicants note that for at least the reasons presented above, Murakami does not teach or even suggest all of the claim elements of amended independent claim 5, upon which amended claim 11 depends.² Further, Suh fails to overcome the deficiencies of Murakami. Because neither Murakami nor Suh, either alone or together, teach or even suggest all of the elements of amended claim 11, Applicants respectfully submit that amended dependent claim 11 is not rendered obvious by Murakami in view of Suh, and thus is in condition for allowance.

III. CONCLUSION

Based upon the arguments presented above, Applicants believe that all claims are in condition for allowance. Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration

¹ Applicants note that the amendment to claim 11 is for consistency with amendments made to amended independent claim 5, and not in response to the obviousness rejection of claim 11.

² Applicants note that this response corrects an inadvertent typographical error in the previous response, which incorrectly indicated that claim 11 depended upon claim 1.

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of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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